REMARKS

In light of the above-amendments and remarks to follow, reconsideration and allowance of this application are requested.

Claims 14-19 have been rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter. Claims 14, 15 and 18 have been amended to recite that the outer faces of the low temperature melting glass faces away from the gap. It is respectfully requested that the rejection of claims 14-19 under 35 U.S.C. § 112, second paragraph, be withdrawn.

Claims 18 and 19 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 4,277,275 to Kawamura et al. ("Kawamura"). Applicants respectfully traverse this rejection.

Kawamura relates to a method for fabricating liquid crystal display element. Contrary to the Examiner's assertion, Kawamura does not teach or suggest a vacuum glass panel wherein the gap is sealed under an evacuated condition of 1.33 Pa or less, as required by amended claim 18. Additionally, Kawamura does not teach or suggest forming a bulge with the adjacent faces of the low temperature melting glass, as originally required by claim 18

Of course, a rejection based on 35 U.S.C. §102 as the present case, requires that the cited reference disclose each and every element covered by the claim. Here, Kawamura does not teach or suggest a vacuum glass panel wherein the gap is sealed under an evacuated condition of 1.33 Pa or less nor does Kawamura teach or suggest a bulge with the adjacent faces of the low temperature melting glass. *Electro Medical*

Systems S.A. v. Cooper Life Sciences Inc., 32 U.S.P.Q.2d 1017, 1019 (Fed. Cir. 1994); *Lewmar Marine Inc. v. Barient Inc.*, 3 U.S.P.Q.2d 1766, 1767-68 (Fed. Cir. 1987), *cert. denied*, 484 U.S. 1007 (1988); *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 U.S.P.Q.2D 1051, 1053 (Fed. Cir.), *cert. denied*, 484 U.S. 827 (1987). The Federal Circuit has mandated that 35 U.S.C. 102 requires no less than "complete anticipation ... [a]nticipation requires the presence in a single prior art disclosure of all elements of a claimed invention arranged as in the claim." *Connell v. Sears, Roebuck & Co.*, 772 F.2d 1542, 1548, 220 U.S.P.Q. 193, 198 (Fed. Cir. 1983); *See also, Electro Medical Systems*, 32 U.S.P.Q. 2d at 1019; *Verdegaal Bros.*, 814 F.2d at 631.

Therefore, since Kawamura fails to describe significant elements of recited by claim 18, it follows that, contrary to the Examiner's assertion, Kawamura does not anticipate or render obvious claim 18, or claim 19 dependent on claim 18.

Claims 14-17 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable of either U.S. Patent No. 5,643,644 to Demars ("Demars") or WO 99/57074 to Shukuri et al. ("Shukuri") in view of Kawamura. Applicants respectfully traverse this rejection.

To establish a prima facie case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991); MPEP 2143.

Here, the Examiner has failed to establish a prima facie case of obviousness because none of the three basic criteria is met by the cited references. In fact, neither Demars, Shukuri nor Kawamura individually or in combination therewith teach or suggest all the claim limitations of independent claims 14 and 15, and dependent claims 16-17.

Contrary to the Examiner's assertion, Demars, Shukuri and Kawamura do not teach or suggest a vacuum glass panel wherein the gap is sealed under an evacuated condition of 1.33 Pa or less and a bulge with the adjacent faces of the low temperature melting glass. Applicants respectfully submit that the Examiner cannot use hindsight gleaned from the present invention to reconstruct or modify the prior art references to render claims unpatentable. In view of the foregoing differences, it is respectfully submitted that neither Demars nor the combination of Shukuri and Kawamura render obvious independent claims 14 and 15, and dependent claims 16-17.

"To imbue one of ordinary skill in the art with knowledge of the present invention, when no prior art reference or references of record convey or suggest that knowledge, is to fall victim of the insidious effect of hindsight syndrome, wherein that which only the inventor taught is used against the teacher." *W.L. Gore & Assoc. v. Garlock, Inc.*, 721 F.2d 1540, 1553 (Fed. Cir. 1983). In the present case, none of the references teach or suggest a vacuum glass panel wherein the gap is sealed under an evacuated condition of 1.33 Pa or less and a bulge with the adjacent faces of the low temperature melting glass as required in amended claims 14 and 15 (and also included in dependent claims 16 and 17). Applicants respectfully submit that the Examiner has failed to establish the basic requirements of a *prima facie* case of obviousness for claims 14-17.

Moreover, the Examiner has failed to establish a prima facie case of obviousness because there is no motivation in Shukuri or in Kawamura that the teaching of these two

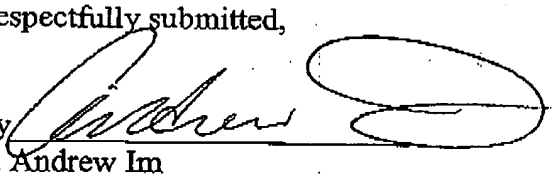
references should be combined. Kawamura relates to a method for fabricating liquid crystal display element and Shukuri relates to a spacer used for glass panel. Further, none of the cited references are directed to the problem solved by the present invention. "[T]he mere fact that the prior art can be modified would not have made the modification obvious unless the prior art suggested the desirability of the modification." *In re Laskowski*, 871 F.2d 115, 117 (Fed. Cir. 1989) (quoting *In re Gordon*, 733 F.2d 900, 902 (Fed. Cir. 1984)). Therefore, the Examiner has filed to establish a *prima facie* case of obviousness for claims 14-17.

Statements appearing above in respect to the disclosures in the cited references represent the present opinions of the applicant's undersigned attorney and, in the event that the Examiner disagrees with any of such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the reference providing the basis for a contrary view.

In view of the above amendment, applicant believes the pending application is in condition for allowance. Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-0624, under Order No. NY-KIT 362-US (10315331) from which the undersigned is authorized to draw.

Dated: December 8, 2006

Respectfully submitted,

By 

C. Andrew Im
Registration No.: 40,657
FULBRIGHT & JAWORSKI L.L.P.
666 Fifth Avenue
New York, New York 10103
(212) 318-3000
(212) 318-3400 (Fax)
Attorney for Applicant